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NOTICE OF ALLOWANCE AND FEE(S) DUE

07/26/2007

BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303

EXAMINER PATEL, VINOD D ART UNIT PAPER NUMBER 3742

| APPLICATION NO. FILING DATE | | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------|------------|----------------------|---------------------|------------------|
| 10/518,022 | 03/10/2006 | David Bikhovsky | BIKHOVSKY2 | 5001 |

TITLE OF INVENTION: ELECTRICAL HEATING DEVICE PARTICULARYLY FOR HEATING A PATIENT BODY

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | YES | \$700 | \$300 | \$0 | \$1000 | 10/26/2007 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

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| WASHINGTON | N, DC 20001-5303 | | [| | | | (Depositor's name) |
| | | • | | | | | (Signature) |
| | | | . [| | | | · (Date) |
| APPLICATION NO. | FILING DATE | | FIRST NAMED INVENT | OR | ATTO | ORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/518,022 TITLE OF INVENTION | 03/10/2006 I: ELECTRICAL HEAT | ING DEVICE PARTICU | David Bikhovsky LARYLY FOR HEATI | NG A PATIENT | | BIKHOVSKY2 | 5001 |
| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DI | JE PREV. PAID | SSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
| nonprovisional | YES | \$700 | \$300 | \$0 | | \$1000 | 10/26/2007 |
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| recordation as set fort (A) NAME OF ASSI | th in 37 CFR 3.11. Comp GNEE | ified below, no assignce oletion of this form is NO | T a substitute for filing (B) RESIDENCE: (C) | an assignment. TY and STATE (| OR COUN | TRY) | up entity Government |
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| interest as shown by the | records of the United Sta | ites Patent and Trademark | Office. | | | | |
| Authorized Signature | | | . <u></u> | Date | | | |
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| 1444 7 | 7590 07/26/2007 | | EXAM | INER |
| BROWDY AND | NEIMARK, P.L.L.C | | PATEL, V | INOD D . |
| 624 NINTH STRI | • | | ART UNIT | PAPER NUMBER |
| SUITE 300 WASHINGTON, | DC 20001-5303 | | 3742 DATE MAILED: 07/26/200 | 7 |

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 77 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 77 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

| | Application No. Applicant(s) | | | |
|--|--|---|--|--|
| | 10/518,022 | BIKHOVSKY ET AL. | | |
| Notice of Allowability | Examiner | Art Unit | | |
| | Vinod D. Patel | 3742 | | |
| The MAILING DATE of this communication appears All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R of the Office or upon petition by the applicant. See 37 CFR 1.313 | ears on the cover sheet with the co (OR REMAINS) CLOSED in this apple or other appropriate communication IGHTS. This application is subject to | olication. If not included will be mailed in due course. THIS | | |
| 1. This communication is responsive to <u>3/10/06</u> . | | | | |
| 2. The allowed claim(s) is/are <u>1-28</u> . | | | | |
| 3. Acknowledgment is made of a claim for foreign priority u a) All b) Some* c) None of the: 1. Certified copies of the priority documents hav 2. Certified copies of the priority documents hav 3. Copies of the certified copies of the priority documents hav 1. Certified copies of the priority documents hav 3. Copies of the certified copies of the priority documents hav 1. Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONI THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 4. A SUBSTITUTE OATH OR DECLARATION must be subminformal PATENT APPLICATION (PTO-152) which giv 5. CORRECTED DRAWINGS (as "replacement sheets") must be required by the Notice of Draftsperion including changes required by the Notice of Draftsperion including changes required by the attached Examiner Paper No./Mail Date [b) including changes required by the attached Examiner Paper No./Mail Date Identifying indicia such as the application number (s→2 37 CFR each sheet. Replacement sheet(s) should be labeled as such in attached Examiner's comment regarding REQUIREMENT | e been received. e been received in Application No comments have been received in this of this communication to file a reply MENT of this application. mitted. Note the attached EXAMINER res reason(s) why the oath or declar ust be submitted. rson's Patent Drawing Review (PTO _ c's Amendment / Comment or in the 1.84(c)) should be written on the draw the header according to 37 CFR 1.121 osit of BIOLOGICAL MATERIAL | national stage application from the complying with the requirements R'S AMENDMENT or NOTICE OF ation is deficient. -948) attached Office action of ings in the front (not the back) of (d). must be submitted. Note the | | |
| Attachment(s) 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☑ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 6/14/07, 8/26/05 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material | Paper No./Mail D 7. ⊠ Examiner's Amend 8. ⊠ Examiner's Staten 9. □ Other | y (PTO-413), ate | | |

Application/Control Number: 10/518,022

Art Unit: 3742

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sheridan Neimark on 7/23/07.

The application has been amended as follows:

In claim 1, line 16, "and" have been inserted after "power source;" and in claim 1, at lines 17 to 23, the entire paragraph (ii) have been replaced with following paragraph;

-- (ii) comprises first and second heater elements each made of a material with a specific resistivity in a range of about 0.01-0.10 Ohm-mm²/m, wherein the first and second heater elements are adjacent to each other in spaced apart relationship to form spaced-apart holes of predetermined shape and distribution within the heater element plane so as to provide a desired value of working resistance of the heater element for generating a required heat power, one of said first and second heater elements having different resistance and different surface areas as compared to each other such that one has relatively high resistance and relatively low surface area serving as a heater and other serving as a distributor, the heating unit when connected to the power source thereby providing substantially homogeneous temperature field in the vicinity of the heating unit.--

Application/Control Number: 10/518,022

Art Unit: 3742

Allowable Subject Matter

2. Claims 1-28 are allowed.

3. The following is an examiner's statement of reasons for allowance:

Bikovsky (WO 97/09866) discloses on paper 12, lines 14-19, heating elements with a specific resistivity in the recited range of 0.01-0.10 Ohm-mm²/m. However Bikovsky does not teach or suggest a heating device for heating a body comprising a heating unit having first and second elements having different resistance and different surface areas as compared to each other such that one has relatively high resistance and relatively low surface area serving as a heater and the other serving as a distributor. Although Bikovsky (WO 01/72249) on page 7 discloses the concept of using a first element as a heater and a second larger surface area element as a diffuser or distributor to be closer to the body, the publication date (10/4/01) disqualifies the reference as prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinod D. Patel whose telephone number is 571-272-4785. The examiner can normally be reached on 7.15 A.M. TO 3.45 P.M..

Application/Control Number: 10/518,022

Art Unit: 3742

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu B. Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VP Vinod Patel
Patent Examiner

TU BA HOANG SUPERVISORY PATENT EXAMINER ART Art

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| | Application Number | | 10518022 | |
|--|----------------------------|-----|--------------------|--|
| | Filing Date | | 2006-03-10 | |
| INFORMATION DISCLOSURE | First Named Inventor David | | id BIKHOVSKY ET AL | |
| STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Art Unit | | 3739 | |
| (NOTION Submission under 37 OFK 1.33) | Examiner Name | NOT | YET KNOWN | |
| | Attorney Docket Number | | BIKHOVSKY2 | |

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| Examine Initial* | Cite No | Patent Number | Atent Number Kind Code ¹ | | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear | | |
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

| Application Number | | 10518022 | | |
|---------------------------|--|-----------------|--|--|
| Filing Date | | 2006-03-10 | | |
| First Named Inventor Davi | | BIKHOVSKY ET AL | | |
| Art Unit | | 3739 | | |
| Examiner Name NOT | | T YET KNOWN | | |
| Attorney Docket Number | | BIKHOVSKY2 | | |

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| Application Number | | 10518022 | | |
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| Filing Date | | 2006-03-10 | | |
| First Named Inventor David | | BIKHOVSKY ET AL | | |
| Art Unit | | 3739 | | |
| Examiner Name NOT | | YET KNOWN | | |
| Attorney Docket Numb | oer | BIKHOVSKY2 | | |

| Examiner Initial* | Cite No | Foreign D Number ³ | ocument | Country Code ² j | Kind Code4 | Publication Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear | T5 |
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| Application Number | Not Yet Assigned | | |
| Filing Date | | _ | |
| First Named Inventor | David BIKHOVSKY | | |
| Group Art Unit | | | |
| Examiner Name | | _ | |
| Attorney Docket Number | BIKHOVSKY2 | | |

| | | | U.S. PAT | ENT DOCUMENTS | |
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| Examiner | Cite No.1 | Document Number Number-Kind Code ^{2 (tr} known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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| Examiner | Alicad Datel/ | Date | 07/05/2007 |
|-----------|---------------|------------|------------|
| Signature | /Vinod Patel/ | Considered | |

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